立法會 Legislative Council

LC Paper No. CB(2)332/08-09 (These minutes have been seen by the Administration)

Ref: CB2/SS/2/08

Subcommittee on Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008

Minutes of meeting held on Tuesday, 28 October 2008, at 8:30 am in Conference Room A of the Legislative Council Building

Members : Hon Mrs Regina IP LAU Suk-yee, GBS, JP (Chairman)

present Hon LEE Cheuk-yan

Hon LEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP Hon LI Fung-ying, BBS, JP

Hon Audrey EU Yuet-mee, SC, JP

Hon LEE Wing-tat

Hon Andrew LEUNG Kwan-yuen, SBS, JP

Hon LEUNG Kwok-hung

Hon Ronny TONG Ka-wah, SC

Hon CHEUNG Kwok-che Hon WONG Sing-chi Hon IP Wai-ming, MH

Members: Hon Miriam LAU Kin-yee, GBS, JP

absent Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP

Public Officers: Mr Matthew CHEUNG Kin-chung, GBS, JP

attending Secretary for Labour and Welfare

Ms Eliza LEE Man-ching, JP

Deputy Secretary for Labour and Welfare (Welfare) 1

Ms Karyn CHAN Ching-yuen

Principal Assistant Secretary for Labour and Welfare

(Manpower)

Mr FONG Ngai

Assistant Commissioner for Labour (Policy Support and Strategic Planning)

Dr Helen CHAN Wing-mui, IDSM Assistant Director of Immigration (Visa and Policies)

Mr SUEN Wai-chung Senior Assistant Law Draftsman

Ms Rebecca PUN Ting-ting, JP Executive Director of Employees Retraining Board

Clerk in attendance

Mr Raymond LAM

Chief Council Secretary (2) 1

Staff in attendance

Mr Kelvin LEE

Assistant Legal Adviser 1

Mrs Eleanor CHOW

Senior Council Secretary (2) 4

Miss Helen DIN

Legislative Assistant (2) 1

I. Meeting with the Administration

The Subcommittee deliberated (index of proceedings attached at **Annex**).

- 2. The Subcommittee requested the Administration to -
 - (a) provide information on the income, including revenue generated from the Employees Retraining Levy between 1992 and 2007, and whether the Employees Retraining Board (ERB)maintained a balanced account in the past few years;
 - (b) provide information on the amount of government subvention to ERB between 1992 and 2007;
 - (c) provide the names of the 67 bodies which offered training courses funded by ERB and the amount of funding allocated to each of them in the past two or three years;
 - (d) provide information on the number of foreign domestic helpers (FDHs) permitted to take up driving duties and statistics on prosecution against FDHs taking up part-time jobs;

Action

- (e) provide justifications for ERB's 120% increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009; and
- (f) explain why extending the levy suspension period would have charging effect within the meaning of Rule 31(1) of the Rules of Procedure.
- 3. The Subcommittee requested Assistant Legal Adviser 1 to provide advice on -
 - (a) whether extending the levy suspension period, either definitely or indefinitely, would have any charging effect; and
 - (b) whether the levy suspension could be confined to employers of FDHs.

II. Dates of subsequent meetings

- 4. <u>The Chairman</u> reminded members that the Subcommittee would receive views from the public at its next meeting on 1 November 2008. As regards the meeting on 6 November 2008, the Subcommittee would discuss amendments proposed by members.
- 5. The meeting ended at 10:40 am.

Council Business Division 2
<u>Legislative Council Secretariat</u>
21 November 2008

Proceedings of meeting of the Subcommittee on

Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008 on Tuesday, 28 October 2008, at 8:30 am in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action Required
000000 - 000147	Chairman	Opening remarks	
000148 - 000334	Chairman Hon LI Fung-ying Hon Audrey EU Hon Andrew LEUNG	Declaration of interest by members employing foreign domestic helpers (FDHs)	
000335 - 002049	Chairman Hon LEE Wing-tat ALA1 Hon Audrey EU Hon Emily LAU	Members' voting or withdrawal from the Council in case of direct pecuniary interest under Rule 84(1) to (4) of the Rules of Procedure (RoP)	
002050 - 003519	Admin	Briefing on the Administration's response to the issues raised by members at the meeting on 21 October 2008 (LC Paper No. CB(2)142/08-09(01))	
003520 - 005128	Hon LEE Wing-tat Admin Chairman	Reasons for the Employees Retraining Board's (ERB) drastic increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009 and increase in the number of training places from 67 000 in 2007-2008 to 120 000 in 2008-2009 Courses and programmes offered by ERB Monitoring of ERB's funds by an independent body	
005129 - 005631	Hon LEUNG Yiu-chung Admin	Declaration of interest by Hon LEUNG Yiu-chung Whether the Administration	

Time marker	Speaker	Subject(s)	Action Required
		the levy on employers of imported labour was abolished	
005632 - 010342	Hon Audrey EU Admin Chairman	Whether the levy suspension could be confined to employers of FDHs	ALA to advice
		Whether Members' proposed resolution to amend the Amendment Notice to extend the levy suspension period, whether definitely or indefinitely, would have charging effect within the meaning of Rule 31(1) of RoP	ALA to advice and Admin to explain
010343 - 010929	Hon Ronny TONG Admin	Income, including revenue generated from the levy between 1992 and 2007, and whether ERB maintained a balanced account in the past few years	Admin to provide information Admin to provide
		Amount of government subvention to ERB between 1992 and 2007	information
010930 - 011025	Chairman Admin	Names of the 67 bodies which offered training courses funded by ERB	Admin to provide information
011026 - 011539	Hon Andrew LEUNG Admin Chairman	Declaration of interest by Hon Andrew LEUNG Whether part-time courses offered by ERB had resulted in more job placement	
		Agency fees charged by Indonesian employment agents	
011540 - 012334	Hon LEE Cheuk-yan Admin Chairman	Declaration of interest by Hon LEE Cheuk-yan	
		Reasons for imposing the levy on employers of FDHs and reducing the minimum wage of FDHs by \$400 in 2003	

Time marker	Speaker	Subject(s)	Action Required
012335 - 013057	Hon CHEUNG Kwok-che Admin	Reasons for ERB's drastic increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009	
		Conditions under which the Government would provide subvention to ERB	
		Number of trainees taking ERB courses offered to young people aged 15 to 29 and number of such trainees with associate degrees	
013058 - 013606	Hon Emily LAU Admin	Whether the implementation of levy suspension had resulted in more termination of contracts of FDHs	
013607 - 014120	Hon LEUNG Kwok-hung Chairman Admin	Mechanism for adjusting the minimum wage of FDHs	
014121 - 014339	Hon IP Wai-ming Chairman Admin	Declaration of interest by Hon IP Wai-ming Whether the levy suspension	
		could be confined to employers of FDHs	
		Amount of funding provided by ERB to each of the 67 training bodies in the past two or three years	Admin to provide information
014340 - 015104	Hon LI Fung-ying Chairman Admin	Clarification by Hon LI Fun-ying on her stance on the Amendment Notice	
		FDHs working as chauffeurs, gardeners or taking up part-time jobs	
		Statistics on FDHs permitted to take up driving duties; and statistics on prosecution against FDHs taking up part-time jobs	Admin to provide information

Time marker	Speaker	Subject(s)	Action Required
015105 - 020735	Hon LEE Wing-tat Chairman Admin Hon Emily LAU Hon Ronny TONG Hon LEUNG Kwok-hung	Reasons for ERB's drastic increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009 Monitoring of ERB's funds by an independent body	Admin to provide information
020736 - 020923	Chairman	Dates of next two meetings	

Council Business Division 2 <u>Legislative Council Secretariat</u> 21 November 2008